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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/656,812	09/08/2003	Wolfgang Danzer	038724.52699US	7094	
23911 CROWELL &	7590 04/08/2009 MORING LLP	EXAM	EXAMINER		
INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			ELVE, MARIA ALEXANDRA		
			ART UNIT	PAPER NUMBER	
	,	3742			
			MAIL DATE	DELIVERY MODE	
			04/08/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/656,812	DANZER, WOLFGANG	
Examiner	Art Unit	
M. Alexandra Elve	3742	

	M. Alexandra Eive	3/42	
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress
THE REPLY FILED 01 April 2009 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR AI	LOWANCE.	
\lambda The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:       The period for reply expires 3_months from the mailing date b) The period for reply expires on; (1) the mailing date of his Area.	replies: (1) an amendment, affidavit al (with appeal fee) in compliance FR 1.114. The reply must be filed to of the final rejection. dvisory Action, or (2) the date set forth	t, or other evidence, w with 37 CFR 41.31; or within one of the follow in the final rejection, whi	hich places the (3) a Request ving time
no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	b). ONLY CHECK BOX (b) WHEN THE		
Extensions of time may be obtained under 37 CFR 1,136(a). The date have been filled is the date for purposes of determining the period of exhaunder 37 CFR 1,17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any pely received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1,704(b). NOTICE OF APPEAL.	ension and the corresponding amount of hortened statutory period for reply origi	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in compl filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi</li> </ol>	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
<u>AMENDMENTS</u>			
<ol> <li>The proposed amendment(s) filed after a final rejection, the content of the proposed amendment of the content of the proposed amendment of the proposed amendment</li></ol>	sideration and/or search (see NOT v);	E below);	
appeal; and/or			16 133463 101
(d) ☐ They present additional claims without canceling a c NOTE: (See 37 CFR 1.116 and 41.33(a)).	orresponding number of finally reje	ected claims.	
4. The amendments are not in compliance with 37 CFR 1.12	1. See attached Notice of Non-Cor	mpliant Amendment (I	PTOL-324).
<ol> <li>Applicant's reply has overcome the following rejection(s):</li> </ol>	35 USC 112 2nd paragraph.		
<ol> <li>Newly proposed or amended claim(s) would be all non-allowable claim(s).</li> </ol>	owable if submitted in a separate, t	imely filed amendmer	t canceling the
7.  For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		be entered and an e	planation of
Claim(s) objected to: Claim(s) rejected: <u>1,3,4,9,12 and 13</u> . Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to or showing a good and sufficient reasons why it is necessary.	vercome <u>all</u> rejections under appea and was not earlier presented. Se	and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a
<ol> <li>The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER</li> </ol>	n of the status of the claims after er	ntry is below or attach	BQ.
11. The request for reconsideration has been considered but	does NOT place the application in	condition for allowan	ce because:
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). ( 13. ☑ Other: <u>See Continuation Sheet</u> .	PTO/SB/08) Paper No(s)		
April 7, 2009.	/M. Alexandra Elve/ Primary Examiner, Art U	nit 3742	

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Continuation of 13. Other: Applicant's after final amendment places the application in better form for appeal. All other arguments set forth in the instant after final amendment are well taken, however, rejections of the claims under the prior art is sustained for the reasons set forth in the final office action.